

JEAN E. WILLIAMS
Deputy Assistant Attorney General
Environment & Natural Resources Division
CAITLIN CIPICCHIO
Trial Attorney
Natural Resources Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 305-0503
Email: caitlin.cipicchio@usdoj.gov
Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

NATIVE ECOSYSTEMS COUNCIL;
ALLIANCE FOR THE WILD
ROCKIES,

Plaintiffs,

v.

JOHN J. MEHLHOFF, State Director;
the BUREAU OF LAND
MANAGEMENT; DEPARTMENT
OF THE INTERIOR; DAVID
BERNHARDT, Secretary of the
Interior,

Defendants.

**Case No. 1:20-cv-00019-BLG-SPW-
TJC**

**UNOPPOSED MOTION TO
ENTER TEMPORARY STAY OF
PROCEEDINGS**

Defendants request the Court enter an order temporarily staying proceedings in this action. As discussed below, the requested temporary stay will allow the parties to continue discussions about the resolution of this matter in its entirety, Plaintiffs do not oppose this motion.

A stay is necessary to relieve the parties of two imminent briefing deadlines under the joint case management plan submitted on June 11, 2020. ECF No. 12. The Court did not enter any order regarding deadlines in this case but the parties have been proceeding according to the schedule submitted in that joint case management plan. According to the joint case management plan, Plaintiffs' Motion for Summary Judgment is due August 20, 2020 and Defendants' Cross-Motion for Summary Judgment and Response to Plaintiffs' Motion is due September 24, 2020. Following the Court's order on Plaintiffs' Motion for Preliminary Injunction (ECF No. 15), the parties began discussions regarding potential resolution of this case. Defendants request a temporary stay of proceedings to negotiate a potential resolution of this case with Plaintiffs, which would obviate the need for merits briefing.

Issuance of a stay is within the Court's discretion and would promote judicial economy by ensuring that the parties do not expend judicial resources actively litigating over issues they may ultimately be resolved without the Court's involvement. Because a preliminary injunction is already in place, a stay would

preserve the status quo, so as not to prejudice any party. *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936) (“the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

Defendants propose that they submit a status report on or before October 14, 2020 reporting the status of the parties’ negotiations and any other related developments and proposing further proceedings in this case if needed.

Respectfully submitted this 14th day of August, 2020.

JEAN E. WILLIAMS
Deputy Assistant Attorney General
Environment & Natural Resources Division

/s/ Caitlin Cipicchio
CAITLIN CIPICCHIO, Trial Attorney
Natural Resources Section
Environment & Natural Resources Division
United States Department of Justice
150 M St. NE
Washington, D.C. 20002
Tel: (202) 305-0503
Fax: (202) 305-0506
caitlin.cipicchio@usdoj.gov